

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

E.K. WADE,

Plaintiff,

vs.

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES,

Defendant.

No. C 06-4751 MEJ

**ORDER SCHEDULING HEARING RE:
DEFENDANT'S MOTION TO DISMISS**

**ORDER FOR DEFENDANT TO FILE
CONSENT/DECLINATION**

On December 23, 2008, Defendant American Federation of Government Employees ("Defendant") filed a Motion to Dismiss. Pursuant to Civil Local Rule 7, the Court hereby SCHEDULES a hearing on Defendant's motion to take place on February 12, 2009 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. Plaintiff E.K. Wade ("Plaintiff") shall file any opposition by January 22, 2009, and Plaintiff shall ensure that the opposition complies with the requirements of Civil Local Rule 7. Defendant shall file any reply by January 29, 2009.

Further, upon review of the record in this action, the Court notes that Defendant has not filed a written consent to Magistrate Judge James' jurisdiction or a request for reassignment to a United States District Court judge for trial. This civil case was randomly assigned to United States Magistrate Judge Maria-Elena James for all purposes including trial. In accordance with Title 28, U.S.C. § 636(c), the magistrate judges of this District Court are designated to conduct any and all proceedings in a civil case, including a jury or non-jury trial, and to order the entry of final judgment, upon the consent of the parties. An appeal from a judgment entered by Magistrate Judge James may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same

1 manner as an appeal from any other judgment of a district court.

2 You have the right to have your case assigned to a United States District Judge for trial and
3 disposition. Accordingly, Defendant shall inform the Court whether it consents to Magistrate Judge
4 James' jurisdiction or requests reassignment to a United States District Judge for trial. A copy of
5 both the consent and declination forms may be obtained from the Northern District of California's
6 website at <http://www.cand.uscourts.gov/>. From the homepage, click on the "Forms" tab on the left
7 margin, then choose "Civil." Defendant shall inform the Court as soon as possible, but no later than
8 January 22, 2009.

9 **IT IS SO ORDERED.**

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11 Dated: January 5, 2009



12 MARIA-ELENA JAMES
13 United States Magistrate Judge
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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

E K WADE,

Case Number: CV06-04751 MEJ

Plaintiff,

CERTIFICATE OF SERVICE

v.

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 5, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

E.K. Wade
542 North Civic Dr., Apt. D
Walnut Creek, CA 94597

Dated: January 5, 2009

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk